

Jane Steel

From: Alex Jelley
Sent: 08 February 2024 09:50
To: Planning Folder New
Subject: FW: Earl Shilton SUE 23/00330/OUT & 21/01511/OUT - ecology comments

From: Sarah Postlethwaite <Sarah.Postlethwaite@leics.gov.uk>
Sent: 07 February 2024 16:19
To: Alex Jelley <Alex.Jelley@hinckley-bosworth.gov.uk>
Subject: Earl Shilton SUE 23/00330/OUT & 21/01511/OUT - ecology

Hi Alex

App A: 23/00330/OUT

The updated metric includes the watercourse element, as requested. The final figures for BNG are a 43.72% loss for habitats, 22.85% gain for hedgerows and 14% gain for watercourses (to be achieved by enhancing the condition of the habitat around the existing stream). This means 43.84 habitat units will need to be secured offsite.

The updated grassland surveys (undertaken using NVC methodology) are acceptable and found that the LWS grassland does not meet the lowland meadow UKHabs criteria. Whilst there are some positive lowland meadow indicator species spread across several of the fields that make up the LWS, its overall condition and species-richness has declined over the past decade due to the lack of management, and as such it no longer meets the threshold for this priority habitat.

These lowland meadow indicator species tell us that these areas are historically unimproved grassland, because they are indicators of habitat continuity due to their slow rates of dispersal and long-life histories. Old, unimproved grasslands like this contain ecologically valuable soil biomes which cannot be re-created within new habitats, hence why the mitigation hierarchy should be followed for areas of highest biodiversity value (Fields 1 & 9), and that the layout is designed around their retention, rather than their loss simply being off-set elsewhere, something that is not reflected in the illustrative masterplan. Amending the layout to retain more the diverse LWS grassland areas would mean less off-setting would be required.

The same principle applies to the hedgerows, with a number of them being classified as being 'species-rich' and of 'medium to high distinctiveness', and some of these would need to be removed according to the illustrative layout. There was a discrepancy between the hedgerows shown as being retained within the metric and those shown missing on the illustrative layout, meaning the hedgerow gain figure in the metric may not be achievable on-site.

The actual BNG values won't be able to be calculated until the layout is finalised. The habitats to be created need to be appropriate to the surroundings and nearby planting/land uses, and have a realistically achievable condition, if they are to be used as part of the public open space.

Great crested newts have previously been present in low numbers within the site, although none were recorded within pond 1 in 2021. Therefore a licence is unlikely to be required but reasonable avoidance measures during site clearance works should be used to avoid harming them, as well as any reptiles which are also likely to be present in low numbers. Water voles are present along the stream and therefore a NE licence will need to be obtained prior to any works starting that will impact a 5m zone either side of the stream. Badgers are also using the site and an updated survey for them will be required prior to the commencement of development. There are also approximately seven trees with the potential to support bat roosts.

App B: 21/01511/OUT

The updated metric includes the watercourse element, as requested. The final figures for BNG are a 10.15% gain for habitats, 15.53% gain for hedgerows and 29.14% gain for watercourses (to be achieved by enhancing the condition of the habitat around the existing stream). To achieve these figures, the metric has included 30.75 habitat units and 20.80 hedgerow units that will be provided off-site (site location shown but address unknown).

The updated grassland surveys (undertaken using NVC methodology) are acceptable and found that the LWS grassland does not meet the lowland meadow UKHabs criteria. Whilst there are some positive lowland meadow indicator species spread across several of the fields that make up the LWS, its overall condition and species-richness has declined over the past decade due to the lack of management, and as such it no longer meets the threshold for this priority habitat.

A number of hedgerows were classified as being 'species-rich' and of 'medium to high distinctiveness', and most of these would need to be removed according to the illustrative layout. There was a significant discrepancy between the hedgerows shown as being retained within the metric and those shown missing on the illustrative layout, meaning the hedgerow gain figure in the metric may not be achievable.

The actual BNG values won't be able to be calculated until the layout is finalised. The habitats to be created need to be appropriate to the surroundings and nearby planting/land uses, and have a realistically achievable condition, if they are to be used as part of the public open space.

Great crested newts have previously been present in low numbers within the adjacent site, although none were recorded within pond 1 in 2021. Therefore a licence is unlikely to be required but reasonable avoidance measures during site clearance works should be used to avoid harming them, as well as any reptiles which are also likely to be present in low numbers. Water voles are present along the stream and therefore a NE licence will need to be obtained prior to any works starting that will impact a 5m zone either side of the stream. Badgers are also using the site and an updated survey for them will be required prior to the commencement of development. There are also approximately three trees with the potential to support bat roosts.

Suggested Conditions:

Not all may be relevant to these outline applications but putting them here anyway.

1. Securing the provision of net gain (when the final metric values won't be known until layout finalised) and the management of all habitats on (and off) site.
2. Updated bat surveys of any trees due for removal which have bat roost potential (which won't be known until layout finalised)
3. Updated badger surveys, report to include a mitigation scheme if necessary. This should be submitted no sooner than 6 months prior to the expected start date of site clearance works (due to them being highly mobile).
4. Water vole mitigation strategy.
5. A CEMP to cover protected species & retained habitats during site clearance works.
6. ECOP?

An Ecological Constraints and Opportunities Plan (ECOP) - the main purpose of this document is to inform and lead the overall design process. It should show the key biodiversity constraints and opportunities associated with the development as currently proposed. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.
3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
5. Areas needing protection on site and/or in adjacent areas (eg from physical damage on site or pollution downstream) during the construction process.

6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

The ECOP will become an 'approved document' of any outline permission granted and any reserved matters application must be designed in accordance with the ECOP.

Example CEMP wording:

No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities**
- B) identification of biodiversity protection zones**
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction**
- D) timing of works to avoid harm to nesting birds**
- E) responsible persons for overseeing sensitive works**
- F) use of protective fencing where required**

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Example BNG wording:

No development shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Ecology Solutions (*date*) and shall provide a minimum of 10% net gain on the reported baseline habitat loss. The Plan shall include the following details:

- A) Location plan of the areas to be used for Biodiversity Net Gain;**
 - B) Description of existing habitats on site;**
 - C) Description of planned habitat creation/enhancement, including species to be planted/sown;**
 - D) Timetable for implementation of habitat creation/enhancement;**
 - E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;**
 - F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.**
- The Plan shall be implemented in accordance with the approved details.**

Regards,

Sarah

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